IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.964 of 2005

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Dated: September 21, 2006

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Between:

Al-Madina Educational Society, represented by its Correspondent, Shaik Aslak, R/o. Besthapalli P.O., Rayavaram, via Rayachoty T.K., Cuddapah District.

… Petitioner

And

The Government of Andhra Pradesh, represented by Principal Secretary, Education Department, Secretariat Buildings, Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare

the inaction of the respondents in granting 'No objection Certificate' (NOC) to the petitioner, an Educational Society, for starting Telugu Pandit and Hindi Pandit Training colleges as illegal and arbitrary.

2. The subject matter of the writ petition is covered by the provisions of the National Council for Teacher Education Act, 1993 and the regulations made thereunder. As per the old Regulations, obtaining NOC from the State Government for grant of permission to start a college of teacher education was essential. However, the said Regulations were repealed and new Regulations titled as 'National Council for Teacher Education Regulations' came into force with effect from 13-01-2006.

3. As per the new Regulations, obtaining NOC for grant of permission to start a college for teacher education is not necessary and straightaway an application can be made to the competent authority, i.e. the Council constituted under the Act, seeking permission. In that view of the matter, the relief sought for in the writ petition cannot be granted at this stage.

4. In the circumstances, the writ petition is disposed of keeping it open to the petitioner to file an application to the competent authority, for grant of permission as per the new Regulations and it is equally open for the respondents to consider the same and pass appropriate orders. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 21, 2006
MRR